

S/N 10/600,118

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	William W. Cimino	Examiner:	Laura A. Bouchelle
Serial No.:	10/600,118	Group Art Unit:	3763
Filed:	June 20, 2003	Docket. No.:	40206.19USU1
Title:	PRECISION FLUID DELIVERY SYSTEM AND METHOD FOR SURGICAL PROCEDURES		

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent Office on __, 2011.

By: _____

APPLICANT'S "SUMMARY" OF INTERVIEW

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As indicated in the Amendment & Response filed on February 22, 2011, an in person interview with Examiner Laura Bouchelle was held on December 9, 2010. In attendance were Mark E. Schafer, Ph.D., Chief Technology Officer and Vice President of Research and Development for Sound Surgical Technologies (assignee of the present application), René A. Pereyra, the undersigned, and Examiner Laura Bouchelle.

In addition to the matters set forth in the Interview Summary prepared by the Examiner and provided to the undersigned at the conclusion of the interview, and in accordance with the requirements for a summary by the applicant as set forth on the Interview Summary, applicant provides the following information about the interview:¹

1. The undersigned played a recorded video showing Dr. Schafer operating and explaining the operation of a device which incorporates the claimed features of the

¹ The listing of items in this summary is not intended to reflect the chronological order of the discussion at the interview.

present application. The video showed the device in operation with a cannula as the device may be used for infiltration of tissue. The video also showed the device in operation as it filled sizers as may be used during a breast augmentation procedure.

2. A portion of the device shown in the video was also brought to the interview and shown to Examiner Bouchelle.²

3. Dr. Schafer briefly discussed the context in which the invention was made and is used by doctors conducting cosmetic surgery particularly liposuction and breast augmentation procedures. Among other things Dr. Schafer explained the differences between “infusion” as is done in intravenous delivery of fluids, and “infiltration” as is done in Ultrasound Assisted Lipoplasty (UAL) and in filling sizers. Dr. Schafer explained that “infusion” and “infiltration” are done at vastly different flow rates.

4. Some of the references cited in the Office Action (8/19/2011) were also discussed. In particular, U.S. Patent No. 5,549,672 to Maddock and U.S. Patent No. 4,650,464 to Ruiz were discussed. The undersigned explained differences between the cited references and the claimed embodiments. For example, the undersigned discussed the portions of Ruiz that describe a software program that provides for ignoring large and/or sudden changes in weight. The undersigned indicated that such a feature is inconsistent with the claimed embodiments.

5. Some possible claim amendments were also discussed. The undersigned discussed with Examiner Bouchelle amendments that clarify that changes in flow rates during delivery of fluid do not affect the volume determination in applicant’s system and method, which is in contrast to the Ruiz reference, where significant changes are ignored.

6. Also discussed was the possibility of submitting information showing objective evidence of non-obviousness. Examiner Bouchelle provided some suggestions for

² Photographs of the portion of the device will be made of record in a subsequent filing.

information that may be submitted as object evidence of nonobviousness, such as evidence for showing long felt need and commercial success.

This summary is not intended to provide an exact transcript of the interview, or a detailed description of all that was discussed. Rather, this summary indicates the subjects that were discussed with Examiner Bouchelle. Also, as noted above, the listing of items in this summary is not intended to reflect the chronological order of the discussion at the interview.

Respectfully submitted,

Dated: February 22, 2011



/René A. Pereyra/

René A. Pereyra, Reg. No. 45,800
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1637